

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-19-06

Introduced by: City Council

Date Introduced: February 4, 2019

First Reading: February 4, 2019

Second Reading: March 11, 2019

Date Adopted: March 11, 2019

Date Effective: April 5, 2019

AN ORDINANCE concerning

CHAPTER 118 – Loitering

FOR the purpose of amending Chapter 118 – Loitering of the Code of the City of Seat Pleasant to amend the violations and penalties and allow orderly demonstration in the City of Seat Pleasant.

BY Amending Chapter 118 – Loitering
Sections 118-1 and 118-2
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to § C-501(a) of the Charter of the City of Seat Pleasant (the “Charter”), the City Council has the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the City; for the protection and preservation of the City’s property, rights, and privileges; for the preservation of peace and good order; and for securing persons and property from violence, danger, or destruction; and

WHEREAS, pursuant to § C-1304 of the Charter, the City shall have the power to do whatever may be necessary to protect City property and to keep all City property in good condition; and

WHEREAS, pursuant to § C-1305 of the Charter, the Council may provide that violations of any municipal ordinance shall be a municipal infraction, unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance; and

WHEREAS, the City Council is concerned about loitering in the City’s commercial district; and

WHEREAS, the City Council is desirous of establishing an ordinance prohibiting loitering in the City of Seat Pleasant and establishing enforcement provisions and penalties; and

WHEREAS, the City Council deems it in the best interest of the public health, welfare and safety of the citizens of the City of Seat Pleasant, and for the good government of the City of Seat Pleasant, to enact this Ordinance and to take the actions described herein.

SECTION 1. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that Chapter 118 (Loitering), consisting of §§ 118-1 and 118-2, be and it is hereby enacted and added to the Code of the City of Seat Pleasant (1994 Edition, as amended), reading as follows:

§ 118-1. LOITERING.

A-F NO CHANGES:

G. THIS SECTION DOES NOT PROHIBIT ORDERLY DEMONSTRATION BY LABOR UNIONS OR MEMBER OF THE PUBLIC;

§ 118-2. PENALTIES.

A. A PERSON WHO LOITERS IN VIOLATION OF THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR ~~MUNICIPAL INFRACTION~~ ~~CRIMINAL OFFENSE~~ AND, UPON CONVICTION OR GUILTY PLEA, SHALL BE SUBJECT TO THE FOLLOWING :

- (1) FOR THE FIRST OFFENSE, A FINE OF \$50.00; OR FOR THE FIRST OFFENSE, A WRITTEN WARNING REQUESTING AN INDIVIDUAL TO MOVE; AND
- (2) ~~FOR A SUBSEQUENT OFFENSE, A FINE OF \$100.00.~~ FOR A SECOND WRITTEN OFFENSE, A FINE NOT EXCEEDING \$500.00
- (3) FOR A THIRD WRITTEN OFFENSE AND SUBSEQUENT WRITTEN OFFENSES, A FINE NOT EXCEEDING \$500.00 OR IMPRISONMENT NOT EXCEEDING 30 DAYS, OR BOTH.
- (4) NO PERSON SHALL BE CHARGED WITH A VIOLATION OF THIS SECTION UNLESS AND/OR UNTIL THE ARRESTING OFFICER HAS FIRST WARNED THE PERSON OF THE VIOLATION AND THE PERSON HAS FAILED OR REFUSED TO STOP THE VIOLATION.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 5. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. AND BE IT FURTHER ORDAINED BY CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this Ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

COUNCIL OF THE CITY OF SEAT PLEASANT



Charl Jones, Councilmember



Hope Love, Councilmember



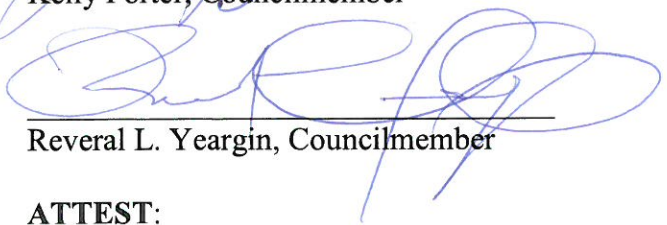
Lamar Maxwell, Councilmember

Shireka McCarthy, Councilmember



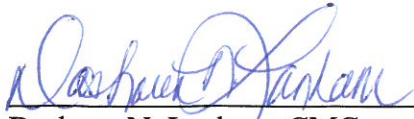
Kelly Porter, Councilmember

Gloria L. Sistrunk, Councilmember




Reveral L. Yeargin, Councilmember

ATTEST:



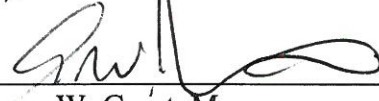
Dashaun N. Lanham, CMC
City Clerk

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 15th day of March, 2019



Dashaun N. Lanham, CMC
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby (APPROVE) ~~(DISAPPROVE)~~ of this Ordinance this 15th day of March, 2019.



Eugene W. Grant, Mayor

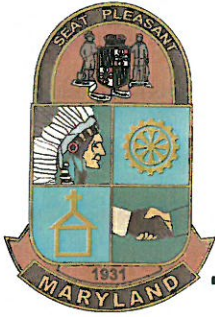
EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.



City of Seat Pleasant

Dashaun N. Lanham, City Clerk

MEMORANDUM

TO: Eugene W. Grant, Mayor

FROM: Dashaun N. Lanham, City Clerk

DATE: 3/15/2019

SUBJECT: **Ordinance O-19-06 Amendment of Chapter 118-Loitering**

Please find attached Ordinance O-19-06 Amendment of Chapter 118-Loitering for your approval or disapproval in accordance with the Seat Pleasant City Charter Section C-313. The mayoral signatory period commences on Friday, March 15, 2019 and concludes on Thursday, March 21, 2019.

If you have any questions regarding the attached Ordinance, please feel free to contact me directly on extension 2230.